

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CATHERINE MCKOY, MARKUS FRAZIER, and
LYNN CHADWICK, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE TRUMP CORPORATION, DONALD J. TRUMP,
in his personal capacity, DONALD TRUMP, JR., ERIC
TRUMP, and IVANKA TRUMP,

Defendants.

No. 1:18-cv-09936-LGS-SLC

NOTICE OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and Declaration of Matthew D. Brinckerhoff with exhibits annexed thereto, Plaintiffs Catherine McKoy, Markus Frazier, and Lynn Chadwick ("Plaintiffs"), by and through their undersigned counsel, will move this Court, before the Hon. Lorna G. Schofield, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an order certifying four damages classes against Defendants the Trump Corporation, Donald J. Trump, Donald Trump, Jr., Eric Trump, and Ivanka Trump ("Defendants") under Federal Rule of Civil Procedure 23(b)(3), and for such other and further relief as the Court deems proper. Specifically, Plaintiffs move to certify the following Rule 23(b)(3) classes:

(1) All Plaintiffs seek certification of a nationwide class consisting of all persons who made payments to ACN to participate in the IBO Opportunity but did not recoup from ACN an amount equal to or more than those payments, for purposes of asserting common law fraud and negligent misrepresentation claims (the "Common Law Class");

(2) Plaintiff Catherine McKoy seeks certification of a class consisting of all persons in California who made payments to ACN to participate in the IBO Opportunity but did not recoup from ACN an amount equal to or more than those payments, for purposes of asserting statutory claims under the California False Advertising Law (“FAL”) and Unfair Competition Law (“UCL”) (the “California Class”);

(3) Plaintiff Markus Frazier seeks certification of a class consisting of all persons in Maryland who made payments to ACN to participate in the IBO Opportunity but did not recoup from ACN an amount equal to or more than those payments, for purposes of asserting statutory claims under the Maryland Consumer Protection Act (“MCPA”) (the “Maryland Class”); and

(4) Plaintiff Lynn Chadwick seeks certification of a class consisting of all persons in Pennsylvania who made payments to ACN to participate in the IBO Opportunity but did not recoup from ACN an amount equal to or more than those payments, for purposes of asserting statutory claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) (the “Pennsylvania Class”).

In the alternative, Plaintiffs will move this Court of an order certifying a class as to the issues of the falsity and materiality of Defendant Donald J. Trump’s statements pursuant to Federal Rule of Civil Procedure 23(c)(4).

Dated: March 10, 2023
New York, New York

/s/ John C. Quinn

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